

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-20075

ARMANDO ESCOBAR-ARREOLA,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS WITHOUT PREJUDICE**

On February 18, 2014, a grand jury indicted Defendant Armando Escobar-Arreola on one count of unlawful reentry after removal, 8 U.S.C. § 1326(a). On May 27, 2014, Defendant moved to dismiss the indictment, arguing that Defendant was wrongfully removed from the United States in February 2001.

However, as the government notes, Defendant has filed an appeal of his original deportation order, raising similar arguments to his currently pending motion to dismiss indictment. *See Armando Escobar Arreola v. Eric Holder, Jr., et al.*, No. 14-3184 (6th Cir. 2014). Briefing of the appeal is still pending, and the government's brief is due on July 31, 2014. It would be improper for the court to rule on Defendant's case while his appeal of similar issues is currently under consideration by the Sixth Circuit.

Accordingly,

IT IS ORDERED that Defendant's "Motion to Dismiss Indictment" (Dkt. # 13) is DENIED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the government is DIRECTED to file a report on the current status of Defendant's appeal every 60 days, beginning on August 1, 2014. Once Defendant's appeal is resolved, the government is DIRECTED to immediately notify the court.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 1, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 1, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522